

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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22-CV-07333 (JMF)

Index No.: ~~16-10456~~

Ivan Guacan, on behalf of himself and others
similarly situated in the proposed FLSA Collective Action,

Plaintiff,

-against-

Hawkeye Security NY LLC, and Thomas De Los Santos

Defendants.

VERIFIED ANSWER OF
DEFENDANT

Hawkeye Security NY LLC, and
Thomas De Los Santos

Defendants Hawkeye Security NY LLC, and Thomas De Los Santos, as and for the Answer to
the Plaintiff's complaint, states upon information and belief as follows:

Nature of Action

1. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 1 of the complaint.
2. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 2 of the complaint.

JURISDICTION AND VENUE

3. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 3 of the complaint.
4. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 4 of the complaint, and leaves questions of law to the Court.
5. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 5 of the complaint.

THE PARTIES

PLAINTIFF IVAN GUACAN

6. Denies the allegations set forth in paragraph 6 of the complaint.
7. Denies the allegations set forth in paragraph 7 of the complaint.
8. Denies the allegations set forth in paragraph 8 of the complaint.
9. Denies the allegations set forth in paragraph 9 of the complaint.

DEFENDANT

Hawkeye Security NY LLC

10. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 10 of the complaint.
11. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 11 of the complaint.
12. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 12 of the complaint.
13. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 13 of the complaint.
14. Denies the allegations set forth in paragraph 13 of the complaint.

DEFENDANT

Thomas Marcus de los Santos

15. Denies the allegations set forth in paragraph 15 of the complaint.
16. Denies the allegations set forth in paragraph 16 of the complaint.
17. Denies the allegations set forth in paragraph 17 of the complaint.
18. Denies the allegations set forth in paragraph 18 of the complaint.

19. Denies the allegations set forth in paragraph 19 of the complaint.

DEFENDANTS

CONSTITUTE JOINT EMPLOYERS

20. Denies the allegations set forth in paragraph 20 of the complaint.

21. Denies the allegations set forth in paragraph 21 of the complaint.

22. Denies the allegations set forth in paragraph 22 of the complaint.

23. Denies the allegations set forth in paragraph 23 of the complaint.

24. Denies the allegations set forth in paragraph 24 of the complaint.

25. Denies the allegations set forth in paragraph 25 of the complaint.

26. Denies the allegations set forth in paragraph 26 of the complaint.

27. Denies the allegations set forth in paragraph 27 of the complaint.

28. Denies the allegations set forth in paragraph 28 of the complaint.

FACTUAL ALLEGATIONS

29. Denies the allegations set forth in paragraph 29 of the complaint.

30. Denies the allegations set forth in paragraph 30 of the complaint.

31. Denies the allegations set forth in paragraph 31 of the complaint.

32. Denies the allegations set forth in paragraph 32 of the complaint.

33. Denies the allegations set forth in paragraph 33 of the complaint.

34. Denies the allegations set forth in paragraph 34 of the complaint.

35. Denies the allegations set forth in paragraph 35 of the complaint.

36. Denies the allegations set forth in paragraph 36 of the complaint.

37. Denies the allegations set forth in paragraph 37 of the complaint.

38. Denies the allegations set forth in paragraph 38 of the complaint.

39. Denies the allegations set forth in paragraph 39 of the complaint.

40. Denies the allegations set forth in paragraph 40 of the complaint.

41. Denies the allegations set forth in paragraph 41 of the complaint.

42. Denies the allegations set forth in paragraph 42 of the complaint.

43. Denies the allegations set forth in paragraph 43 of the complaint.

FLSA COLLECTIVE ACTION ALLEGATIONS

44. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 44 of the complaint.

45. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 45 of the complaint.

46. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 46 of the complaint.

47. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 47 of the complaint.

FIRST CLAIM

(FLSA- Unpaid Overtime Wages, 29 U.S.C. Sub Sect. 201 *et seq.*)

48. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 48 of the complaint.

49. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 49 of the complaint.

50. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 50 of the complaint

51. Deny knowledge and information sufficient to form a belief regarding the allegations set

forth in paragraph 51 of the complaint.

52. Denies the allegations set forth in paragraph 52 of the complaint.

53. Denies the allegations set forth in paragraph 53 of the complaint.

SECOND CLAIM

(NYLL-Unpaid Overtime Wages)

54. Denies the allegations set forth in paragraph 54 of the complaint.

55. Denies the allegations set forth in paragraph 55 of the complaint.

56. Denies the allegations set forth in paragraph 56 of the complaint.

57. Denies the allegations set forth in paragraph 57 of the complaint.

58. Denies the allegations set forth in paragraph 58 of the complaint.

59. Denies the allegations set forth in paragraph 59 of the complaint.

THIRD CLAIM

(NYLL WTPA- Failure to Provide Wage Notice)

60. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 60 of the complaint

61. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 61 of the complaint

62. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 62 of the complaint

63. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 63 of the complaint

FOURTH CLAIM

(Violation of the Wage Statement Provision of the NYLL)

64. Deny knowledge and information sufficient to form a belief regarding the allegations set

forth in paragraph 64 of the complaint

65. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 65 of the complaint

66. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 66 of the complaint

FIFTH CLAIM

(Failure to Pay Timely Wages)

67. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 67 of the complaint

68. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 68 of the complaint

69. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 69 of the complaint

70. Deny knowledge and information sufficient to form a belief regarding the allegations set forth in paragraph 70 of the complaint

Defendant Thomas De Los Santos acknowledges that he knows the Plaintiff, however the defendant does not acknowledge that he has ever withheld pay from him or any other individual similarly situated. Defendant request the default judgement be set aside for further discovery on the grounds that Hawkeye Security NYC, LLC was not an incorporated entity during the period of time stated by the Plaintiff.

Defendant also have additional evidence stating the contrary to the Plaintiff's claims in this lawsuit.

I, Thomas De Los Santos. Will be representing myself and Hawkeye Security NYC, LLC in this matter since I do not have the financial means to retain counsel at this time.

I had no prior knowledge of this lawsuit until earlier this week, 10/17/2022.

I am working as promptly as possible to address this situation in a timely manner.

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Thomas de los Santos, representing myself as the defendant in this matter I have read the foregoing Answer and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

Dated:

Thomas de los Santos

Defendant
